

BEFORE  
THE PUBLIC SERVICE COMMISSION OF  
SOUTH CAROLINA

DOCKET NO. 2000-040-C - ORDER NO. 2000-0296

MARCH 28, 2000

IN RE: Petition of e.spire Communications, Inc. for	)	ORDER APPROVING
Arbitration of an Interconnection Agreement	)	JOINT MOTION FOR
with BellSouth Telecommunications, Inc.	)	MODIFICATION OF
Pursuant to Section 252(b) of the	)	SCHEDULING ORDER
Communications Act of 1934, as Amended.	)	

This matter comes before the Public Service Commission of South Carolina ("Commission") on the Joint Motion of BellSouth Telecommunications, Inc. ("BellSouth") and e.spire Communications, Inc. ("e.spire") for an order modifying Commission Order No. 2000-0124, dated February 3, 2000 ("Scheduling Order"). BellSouth and e.spire set forth the following grounds for their request for an order modifying the Scheduling Order in the instant docket:

1. e.spire filed the testimony of its witness, James C. Falvey on March 13, 2000. BellSouth received a copy of Mr. Falvey's testimony on March 14, 2000. e.spire failed to file with the Commission, or serve on BellSouth, Exhibit 2 to Mr. Falvey's testimony on the ground that Exhibit 2 [to Mr. Falvey's testimony] is confidential and would not be filed with the Commission until after the parties executed a confidentiality agreement.
2. On March 15, 2000, e.spire advised BellSouth that it would be in a position to provide Exhibit 2 to BellSouth on March 16, 2000.
3. On March 16, 2000, the parties executed a confidentiality agreement, and e.spire provided Exhibit 2 [to Mr. Falvey's testimony] to BellSouth. e.spire also advised that upon execution of a confidentiality agreement, that it would also

file Exhibit 2 [to Mr. Falvey's testimony] with the Commission.

4. As a result of the above [described events], BellSouth received Exhibit 2 [to Mr. Falvey's testimony] three days after the Scheduling Order required e.spire to file and serve via hand delivery all testimony and exhibits. To avoid any prejudice to BellSouth, e.spire is willing to grant BellSouth an additional three days to pre-file any testimony and exhibits.

Upon consideration of this Joint Motion, the Commission finds that good cause has been shown to grant the request for a three-day extension for BellSouth to pre-file its testimony and exhibits. In granting the requested extension, the Commission notes that e.spire did not seek or obtain Commission approval nor advise the Commission that Exhibit 2 to Mr. Falvey's testimony would not be filed with the testimony and exhibits on the specified date of March 13, 2000. The normal course of practice is for a party filing testimony and exhibits to file with the Commission a sealed copy of confidential or proprietary information on the date specified. A party may request the execution of a confidentiality agreement before providing the confidential material to another party, but the original should be filed with the Commission by the required deadline without the necessity of a confidentiality agreement being executed by the Commission. Therefore, to avoid any prejudice to BellSouth, the Commission finds that the Joint Motion of BellSouth and e.spire for a three-day extension for BellSouth to file testimony and exhibits should be approved. As provided in the Joint Motion, the Scheduling Order remains unchanged in all other respects.

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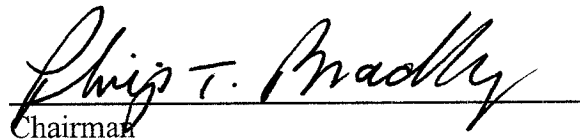
IT IS THEREFORE ORDERED THAT:

1. BellSouth is granted a three-day extension, or until **March 27, 2000**, in which to pre-file its direct testimony and exhibits in this matter.

2. Order No. 2000-0124 remains unchanged in all other respects.

3. This Order shall remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION:

  
Chairman

ATTEST:

  
Executive Director

(SEAL)